



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/492,032	01/27/00	ACTON	T HILB/682

Wayne L Jacobs
Wood Herron & Evans LLP
2700 Carew Tower
441 Vine Street
Cincinnati OH 45202-2917

PM82/0327

EXAMINER

MILLER, W

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/492,032

Applicant(s)

ACTON ET AL.

Examiner

William L. Miller

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Claim Rejections - 35 USC § 112

1. Claims 2-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. It is unclear if the “cap” recited in claim 2, line 2, is referencing the “at least one cap” previously recited in claim 1, line 4.
3. It is unclear if the “pair of caps” recited in claim 3, line 2, is referencing the “at least one cap” previously recited in claim 1, line 4.
4. In claims 4 and 5, line 1, the phrase “said cover plate” lacks antecedent basis.
5. In claim 10, line 1, it is unclear which gasket the phrase “said gasket” is referencing.
6. In claim 18, line 7, the phrase “said tension springs” lacks antecedent basis.
7. In claim 25, line 3, the phrase “said housing nut” lacks antecedent basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. (US#5727291) in view of Estes (US#4962574), and further in view of Shanks (US#3680941).

10. Regarding claim 1, Biondo et al. discloses in Figs. 11-13 a casket comprising: a shell (402) and at least one cap (406) having confronting flanges; a memorabilia compartment (412) including an access opening (440) and an interior; and a removable cover (410).

11. Biondo et al. fails to disclose a gasket between the confronting flanges as claimed by the applicant. Estes discloses a casket comprising a shell (12) and at least one cap (16) having confronting flanges wherein a gasket (42) therebetween provides a seal therebetween. Therefore, as taught by Estes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the confronting flanges thereby providing a seal therebetween.

12. Biondo et al. fails to disclose a gasket between the cover (410) and the cap (406) as claimed by the applicant. Shanks discloses a drawer assembly for protecting the contents therein wherein a gasket (33) is positioned between the "cap" (20) and the "cover" (37) thereby providing a seal therebetween. Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the cap and the cover thereby providing a seal therebetween.

13. Regarding claim 2, Biondo et al. discloses a cut top casket having a pair of caps (404,406) as opposed to a full top casket having a single full length cap as claimed by the applicant. However, it would have been an obvious matter of engineering design choice to modify the casket of Biondo et al. into a full top casket, since the applicant has not disclosed that either the cut top or full top solves any stated problem or is for any particular purpose, and it appears that the casket would perform equally with a cut top or full top.

Art Unit: 3628

14. Regarding claim 3, the Biondo et al. casket includes a head end cap (404) and a foot end cap (406).

15. Regarding claims 4 and 5, Biondo et al. discloses the cover (410) as a face plate (428) of drawer (410).

16. Regarding claim 6, Biondo et al. fails to disclose a gasket between head end cap (404) and foot end cap (406) as claimed by the applicant. Estes discloses the head end cap (14) and foot end cap (16) including a gasket (48) therebetween to provide a seal therebetween.

Therefore, as taught by Estes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the head and foot end cap to provide a seal therebetween.

17. Regarding claims 7-9, Biondo et al. discloses the drawer (410) being movably mounted in the access opening (440) in header wall (420) of the foot end cap (406).

18. Regarding claim 10 and as discussed previously with regards to claim 1, Biondo et al. fails to disclose a gasket positioned between the cover (410) and cap (406), specifically a gasket positioned against an outside surface of header wall (420) and around access opening (440).

Shanks teaches the gasket (33) being positioned against an outside surface of "header wall" (29-31) and around the access opening therein thereby providing a seal between the "cover" (37) and "cap" (20). Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the gasket was positioned against an outside surface of the header wall and around the access opening thereby providing a seal between the cover and cap.

Art Unit: 3628

19. Regarding claim 11, Biondo et al. discloses a drawer support (416,418) mounted from the inside surface of header wall (420) of foot end cap (406).

20. Regarding claim 19, Biondo et al. discloses a latch mechanism (470).

21. Claims 12-15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Estes, in view of Shanks as applied to claim 1 above, and further in view of Shank (US#2937765).

22. Biondo et al. discloses the drawer support (416,418) being mounted via brackets (442) wherein the drawer (410) slidably engages drawer support portion (416) via a tongue and groove arrangement as opposed to the drawer support being an open-ended C-shaped channel having a drawer stop and being mounted on each lateral side thereof via a pair of C-shaped brackets wherein each bracket includes a longer leg and a shorter leg as claimed by the applicant. Shank discloses a cabinet having a slidable drawer assembly wherein the drawer support is an open-ended C-shaped channel (36) having a drawer stop means at the flared rear end thereof and being mounted on each lateral side thereof via a pair of C-shaped brackets (12,14) wherein each bracket includes a longer leg (16) and a shorter leg (26). The open-ended C-shaped channel (36) provides smooth, limited sliding engagement between the channel (36) and the drawer (46), while the brackets (12,14) each having a longer leg (16) and a shorter leg (26) allows the brackets to be reversible side-to-side of the channel (36) and end-to-end of the bracket (12,14). Therefore, as taught by Shank, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the drawer support included an open-ended C-shaped channel having drawer stop means and was mounted on each lateral side thereof via a pair of C-shaped brackets wherein each bracket included a

Art Unit: 3628

longer leg and a shorter leg. The open-ended C-shaped channel with drawer stop means thus providing enhanced sliding engagement between the channel and the drawer, while the brackets each having a longer leg and a shorter leg would enable the brackets to be reversible side-to-side of the channel and end-to-end of the bracket.

23. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Estes, in view of Shanks, in view of Shank as applied to claim 12 above, and further in view of Saaf (US#5678289).

24. Biondo et al. fails to disclose the drawer (410) being spring biased outwardly as claimed by the applicant. Saaf discloses a casket including a drawer (40) slidably received in foot end cap (16) and biased outwardly via spring (92) thereby facilitating the outward movement thereof. Therefore, as taught by Saaf, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the drawer was outwardly spring biased thereby providing a simpler means of its outward movement.

Allowable Subject Matter

25. Claims 16, 18, 20-25, and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Conclusion

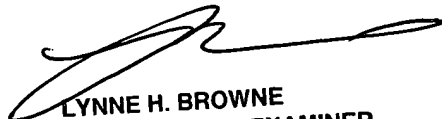
26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jackson, Craft, Semon, Benedict et al., Rojas, and Rahe disclose similar burial devices including memorabilia compartments.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Monday-Thursday.

28. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

William L. Miller
Examiner
Art Unit 3628


wlm
March 22, 2001


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3620